

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #
DATE FILED:

-v-

S1 06 CR 486 (CM)

NELSON RODRIGUEZ,

Defendant.

McMahon, J.

SUPPLEMENTAL ORDER ACCEPTING THE PLEA ALLOCUTION BEFORE
A U.S. MAGISTRATE JUDGE

On April 6, 2007, United States Magistrate Judge George A. Yanthis presided over the plea allocution in the above captioned matter and reported and recommended that the named defendant's plea of guilty be accepted. On April 27, 2007, there was a subsequent proceeding before Magistrate Yanthis, wherein defendant was advised that he had been mistakenly informed (both in his plea agreement and during the plea allocution) that the statutory maximum penalty for the offense for which he plead guilty was ten years. In fact, the statutory maximum is five years and defendant was so informed and the plea agreement was corrected. After that clarification, defendant again stated that it was his wish to plead guilty and Magistrate Judge Yanthis has again recommended that the Court adopt defendant's plea.

Having reviewed the April 6 and 27 transcripts, the charging papers, and all other pertinent parts of the record, the Court finds that the plea accords with the requirements of Rule 11 of the Federal Rules of Criminal Procedure. Accordingly, the Court adjudges defendant guilty of the offense(s) to which the guilty plea was offered. The Clerk is directed to enter the plea.

SO ORDERED:



Colleen McMahon, U.S.D.J.

June 1, 2007
White Plains, NY